

FINAL STATEMENT OF REASONS

a) Local Mandate Statement

These regulations do not impose a mandate upon local agencies and school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the GC.

b) Statement of Alternatives Considered

The California Department of Social Services (CDSS) considered alternatives other than developing regulations and, pursuant to Government Code section 11346.9(a)(4), determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS. The regulation revisions are necessary to be in line with statute.

c) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on November 8, 2017, in Sacramento, California. No written or oral testimonies were received during the public comment period from September 22, 2017, to 5:00 p.m. November 8, 2017.

d) Update to the Initial Statement of Reasons

The statement "Sections 35017(b)(2)(B)(c) through (h) are renumbered to Sections 35017(c)(2)(B)(d) through (i)" was incorrectly cited on the Initial Statement of Reasons. It should read "Sections 35017 (c) through (h)." The renumbering is no longer necessary because the Department is no longer adding the new proposed Section 35017(b). In addition, Sections 35017(c)(2)(B)(d), 35017(c)(2)(B)(f), and 35017(c)(2)(B)(i) were also incorrectly cited on the Initial Statement of Reasons. They should read Sections 35017(d), 35017(f), and 35017(i), respectively.

The Economic Impact Analysis was revised to say:

"In accordance with GC section 11346.3(b), CDSS has made the following assessments regarding the proposed regulations. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law. As stated above, these activities are already being completed and the impact does not affect private businesses just public adoption agencies and government entities."

The Statement of Significant Adverse Economic Impact On Business was revised to say:

"CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that these activities are already being completed and the impact does not affect private businesses just public adoption agencies and government entities."

The Benefits Anticipated from Regulatory Action was revised to say:

"The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: section will be in line with statute, the photo listing site is posted by the Department removing barriers for counties, ensures better photos, non-duplicated lists, and will provide clarity to direct foster care agencies to conduct recruitment activities for the purpose of promoting children and youth who need permanent homes"

e) Information for the Initial Statement of Reasons

1. For Section 35017(a), the regulation text was amended but still duplicates statute Family Code section 8707, stating "recruitment of prospective adoptive parents." This duplication is necessary as this phrase is clear. This duplication is necessary as this phrase is clear as the photo listing site seeks to identify and engage prospective adoptive parents. Whereas the use of other terminology, such as marketing, could be misconstrued (e.g. for fundraising). The term "recruitment" was simply the clearest language that could be used.

For Section 35017(e), the rational in the Initial Statement of Reasons did not fully address that the section was revised to reflect that once a prospective adoptive parent expressed interest in a child, the child's photo listing would be deferred. Prior language was that the prospective adoptive parent had applied. This process is, however, too lengthy and may cause a delay in the child's permanency. The prospective adoptive parents may also have been denied, which would have further delayed permanency. This revision allows the family more information before they commit to submitting an application which may or may not include a financial burden.

Sections 35017(b)(1)(A) – (D) was updated to match regulation text and "(A) Reserved" was deleted.

For Section 35017(c)(2)(B)(d) was listed on the Initial Statement of Reasons; there was an error and no regulation text alteration is necessary.

For Section 35019(a), the rational in the Initial Statement of Reasons did not fully address that the section was revised to reflect that the reason for allowing the Department, county adoption agency, or licensed adoption agency the use of email to convey the photo listing significant changes. The use of email will stream line social workers' process, as they may include more than one update. Email has also become a common form of business communication.

f) Update to the Proposed Regulation Text

The proposed new section, which was listed as Section 35017(b) in the text, was removed due to duplication of statute. Sections 35017(b) through (h) was not renumbered as the proposed regulation text was removed. The proposed text adding "and in accordance with law" to Section 35015(a)(2) has been deleted, as this language was unnecessary and the Initial Statement of Reasons was incorrect in stating that a Court Order was required to post a photo of foster youth as this requirement, as outlined, does not exist.

The proposed revision to Section 35017(h) references were altered to specificity identify submitted documents that were referenced in the text.

The proposed Section 35019(e) was deleted as this was a duplication error of Section 35019(a).